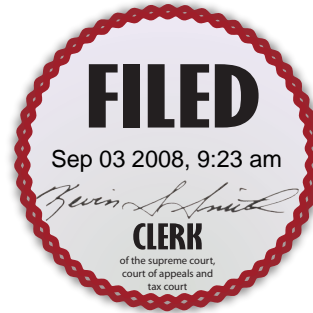


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

M.R.,)	
)	
Appellant-Respondent,)	
)	
vs.)	No. 67A04-0803-JV-128
)	
STATE OF INDIANA,)	
)	
Appellee-Petitioner.)	

APPEAL FROM THE PUTNAM CIRCUIT COURT
The Honorable Matthew L. Headley, Judge
Cause No. 67C01-0710-JD-110

September 3, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

BAILEY, Judge

Case Summary

Appellant-Respondent M.R. (“M.R.”) appeals his delinquent child adjudication for Obstructing Traffic, an offense that would be a Class B misdemeanor if committed by an adult.¹ We affirm.

Issue

M.R. presents a single issue for review: whether there is sufficient evidence to support the delinquency adjudication.

Facts and Procedural History

On September 6, 2007, Barbara Lawhorn (“Lawhorn”) was employed as a school bus driver for North Putnam School Corporation. Lawhorn had stopped at a regular stop on Harrison Street when M.R. appeared at the side window of the bus and asked why Lawhorn had written a conduct report regarding one of the bussed children. Lawhorn responded, “It’s none of your business, step away from the bus.” (Tr. 16.) M.R. did not comply. After twice requesting that M.R. move away, Lawhorn pulled her stop sign arm in and began to move the bus. M.R. called Lawhorn a “f----- b----.” (Tr. 17.) He then repeated, “Yes I’m talking to you, you f----- b----.” (Tr. 19.)

While completing her bus route, Lawhorn circled back by M.R.’s residence. M.R. and six children were walking in the middle of the road and in the lane traveled by the bus. Lawhorn slowed down and moved into the other lane to pass. As Lawhorn passed M.R., he said “You better move you b----.” (Tr. 19.)

On October 22, 2007, the State alleged that M.R. was a delinquent child for having

committed an offense that would be Obstructing Traffic if committed by an adult. On January 14, 2008, the juvenile court conducted a fact-finding hearing and found the allegation of delinquency to be true. On February 4, 2008, the trial court entered a disposition order providing that M.R. was to serve six months probation, with a five-day suspended commitment to a secure detention facility. M.R. appeals.

Discussion and Decision

M.R. contends that the evidence is insufficient to support his adjudication as a delinquent for Obstructing Traffic. More specifically, he argues that the State failed to prove his intent to obstruct, and claims that he merely approached a stopped bus to talk and later walked down the road.

When the State seeks to have a juvenile adjudicated a delinquent, it must prove every element of the offense beyond a reasonable doubt. D.B. v. State, 842 N.E.2d 399, 401 (Ind. Ct. App. 2006). When reviewing a juvenile delinquency adjudication, we will consider only the evidence and the reasonable inferences supporting the judgment. B.R. v. State, 823 N.E.2d 301, 306 (Ind. Ct. App. 2005). We neither reweigh the evidence nor judge the credibility of witnesses. Id. We will affirm if there is substantial evidence of probative value from which a reasonable trier of fact could conclude beyond a reasonable doubt that the juvenile committed the delinquent act alleged. Id.

To support a finding that M.R. committed Obstructing Traffic as charged, the State was required to prove that he “recklessly, knowingly or intentionally obstructed vehicular or pedestrian traffic.” Ind. Code § 35-42-2-4. A person engages in conduct “intentionally” if,

¹ Ind. Code § 35-42-2-4(a).

when he engages in the conduct, it is his conscious objective to do so. Ind. Code § 35-41-2-2(a). A person engages in conduct “knowingly” if, when he engages in the conduct, he is aware of a high probability that he is doing so. Ind. Code § 35-41-2-2(b). A person engages in conduct “recklessly” if he engages in the conduct in plain, conscious, and unjustifiable disregard of harm that might result and the disregard involves a substantial deviation from acceptable standards of conduct. Ind. Code § 35-41-2-2(c).

Lawhorn testified that M.R. approached her stopped bus and inquired about a conduct report. After refusing to discuss the conduct report with M.R., Lawhorn asked M.R. twice to step away from the bus. He did not comply. Lawhorn could not safely proceed because “the other five kids were around [M.R.]” (Tr. 17.) Lawhorn estimated that she was detained five minutes. Other traffic could not pass the bus because Lawhorn had the stop arm out. When Lawhorn moved the stop arm in and began to move the bus, M.R. cursed at her. Subsequently, M.R. was walking in the street in the path that the bus would normally travel and advised Lawhorn “You better move you b----.” (Tr. 19.)

The State presented sufficient evidence from which the trier of fact could conclude beyond a reasonable doubt that M.R., acting with the requisite culpability, obstructed traffic.

Affirmed.

RILEY, J., and BRADFORD, J., concur.